



**DMCJA Board of Governors Meeting**  
**Friday, September 23, 2018, 9:00 a.m. – 12:00 p.m.**  
**Yakima Convention Center**  
**Yakima, WA**

**MEETING MINUTES**

**Members Present:**

Chair, Judge Rebecca Robertson  
Judge Scott Ahlf  
Judge Linda Coburn  
Judge Jennifer Fassbender  
Judge Michael Finkle  
Judge Michelle Gehlsen  
Judge Drew Ann Henke  
Commissioner Rick Leo (by phone)  
Judge Samuel Meyer (by phone)  
Judge Charles Short  
Judge Jeffrey Smith

**Members Absent:**

Judge Robert Grim  
Judge Aimee Maurer  
Judge Damon Shadid

**Guests:**

Judge Andrea Beall  
Judge Judy Jasprica, BJA (non-voting)  
Judge Dan B. Johnson, BJA (non-voting)  
Judge Mary Logan, BJA (non-voting)  
Judge Kevin Ringus, BJA (non-voting)  
Judge Sandra Allen (Executive Session)  
Judge David Steiner (Executive Session)  
Ms. LaTricia Kinlow, DMCMA  
Ms. Margaret Yetter, DMCMA

**AOC Staff:**

Ms. Callie Dietz  
Ms. Sharon R. Harvey  
Ms. Susan Peterson

**CALL TO ORDER**

Judge Robertson, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 9:05 a.m. Judge Robertson asked attendees to introduce themselves.

**GENERAL BUSINESS**

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Meeting Minutes for August 10, 2018, with one clerical correction: Judge Coburn was not at the August 10, 2018 meeting.

B. Treasurer's Report

M/S/P to accept the Treasurer's Report. Judge Gehlsen provided the Treasurer's report for the Board's review and was available for questions.

C. Special Fund Report

M/S/P to accept the Special Fund Report. Judge Gehlsen reported the account gained \$4.30 interest this month, and the year-to-date interest is \$33.70.

D. Standing Committee Reports

1. *Legislative Committee*

Judge Meyer, Legislative Committee Chair, reported that the Committee met on August 10, 2018 in person and on September 14, 2018 by phone. The Committee continues to discuss and review legislative proposals submitted by the DMCJA membership for the 2019 Legislative Session. In October 2018 or November 2018, the Committee will submit selected proposed 2019 DMCJA legislation for Board approval.

E. Trial Court Advocacy Board (TCAB) Update

Judge Ahlf reported that the TCAB executive officers plan to meet on September 24, 2018 at the annual Fall Conference in Yakima, WA, to discuss the future of TCAB.

F. Judicial Information Systems (JIS) Report

Judge Ahlf reported the Judicial Information System Committee (JISC) did not meet in August, and the next JISC meeting is on October 26, 2018. Ms. Dietz reported that the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project Steering Committee continues to meet, and they are looking at alternative options for a CLJ case management solution and investigating the costs and risks of each. Options being considered include: (1) A "best of breed" approach, which means buying separate products (like the best case management system, the best probation system, the best document management system) and integrating them; (2) modernizing JIS/DISCIS, including adding missing functions, such as document management or probation management; and (3) an innovative approach or possibly a hybrid of the two options: Modernizing JIS, and linking it with off-the shelf products for the missing functions like document management and probation. The Project Steering Committee has submitted a RFQQ which will identify a company to help them analyze these alternatives and set the project in the best direction for success. The RFQQ responses are due October 1, 2018, and the Project Steering Committee will have more information to share soon.

## **LIAISON REPORTS**

A. Administrative Office of the Courts AOC

Ms. Dietz provided a status update on the recruiting process for the new State Court Administrator position. She reported the AOC has been conducting interviews, and that Judge Coburn, representing the DMCJA, and Ms. Yetter, representing the District and Municipal Court Management Association (DMCMA), have been involved in the interviews. She informed there are some good applicants lined up, and that two applicants who have had phone interviews will likely be called back for in-person interviews. She further informed they hope to have a candidate named within the next few weeks so that she can spend about a month with the new State Court Administrator before she retires in December 2018. In addition, Ms. Dietz informed the AOC will likely be retuning its reorganization when the new State Court Administrator comes on board. Lastly, Ms. Dietz expressed her appreciation for the AOC staff and said she is going to miss them, as well as her appreciation for the collaborative work and support of DMCJA and DMCMA members.

B. Board for Judicial Administration (BJA)

Judge Jasprica, BJA Member Co-Chair, reported that the BJA met on Friday, September 21, 2018. She informed that one focus of the meeting was to welcome new members and September is usually when the BJA does their new member orientation; however, many of the new members were not in attendance. Another focus of the meeting was looking at the leadership goals for the BJA, which include: (1) speaking with a unified voice, (2) court communication, (3) committee coordination, and (4) committee composition. In addition, she reported that, in terms of communication, she would like to see the Board include the BJA meeting minutes in the DMCJA Board meeting materials. She believes it will be helpful for Board members to read the BJA minutes, and then if they have any questions, the BJA representatives can address those. Lastly, she reported that the DMCJA is very well represented on the BJA, and that includes DMCJA members on BJA subcommittees.

Judge Robertson, BJA Policy and Planning Committee Chair, shared that the BJA Policy and Planning Committee is developing a communication plan to ensure all court levels have information regarding priorities and the work of the BJA.

C. District and Municipal Court Management Association (DMCMA)

Ms. Yetter reported that the DMCMA wrote a letter to the JISC concerning equipment replacement. In addition, she reported they are continuing to move forward with a mandatory education proposal. Lastly, the DMCMA is starting to plan for its 2019 Annual Conference which is scheduled for May 19-22, 2019 at the Heathman Lodge in Vancouver, WA.

## **ACTION**

### *1. JIS Equipment Replacement*

M/S/P for Judge Robertson to send a letter in support of the DMCMA concerning the JIS Equipment Replacement.

### *2. Misdemeanant Probation Association Funding Request*

M/S/P to approve paying twelve hundred dollars (\$1,200) to the Misdemeanant Probation Association (MPA) to help fund the cost of the speaker for the educational seminar on emerging drug trends, synthetic drug usage and polysubstance abuse at the 2019 MPA Conference.

## **DISCUSSION**

### A. Washington Interpreter Services Funding Task Force Presentation

Judge Andrea Beall, Co-Chair of the Washington Interpreter Services Funding Task Force (Task Force), gave an overview of the Task Force and its work. She informed that the Board for Judicial Administration (BJA) created the Interpreter Services Funding Task Force in July 2017 to analyze the demand and funding needs for interpreters in Washington State courts, and the Task Force is a two-year commitment. The Task Force's membership consists of a Supreme Court justice and judges from every level of court; representatives from city and county associations, advocacy organizations, court management associations, the Office of Public Defense, the Minority and Justice Commission, and legislative and budget staff from the Administrative Office of the Courts (AOC). In December 2017, the Task Force sent out a Court Interpreter Funding Survey.

Judge Beall then reported the overall survey results and specific information related to municipal and district courts. She informed that the Task Force received 97 responses from district and municipal courts, and they found that 40% of municipal courts and 67% of district courts were likely to use interpreters daily or weekly. In addition, of those municipal/district courts more likely to use interpreter services, 67% use interpreters for criminal court cases, 51% for traffic court cases, and 26% for domestic relations court cases. In 2016 over \$3.1 million was spent on interpreter services, which is a great increase over past years, and about 50% of courts are exceeding their allocated interpreter budgets. Small and rural courts are having more difficulty getting qualified interpreters to their courts, and all courts have difficulties finding qualified interpreters and interpreters for rarer languages; therefore, the Task Force wants to expand the language pool. In addition, while Spanish is the most commonly interpreted language in Washington State, 36% of courts provided interpreter services for more than 10 languages, and one court reported providing interpreter services for 162 different languages. Judge Beall explained that more languages means more need, and often delays in cases are caused due to waiting to get an interpreter. The survey showed that about 41% of municipal courts and 63% of district courts reported that this is true for their court. In addition, the Interpreter Reimbursement Program currently provides limited funds (\$610,500 annually) to only 20% of Washington State courts, and by seven months into the year, those funds are usually exhausted.

Judge Beall explained that without increased funding, no new courts have been able to apply for these funds since the program's inception in 2008. Therefore, the Task Force is requesting \$2.1 million from the Legislature for the Interpreter Reimbursement Program to allow more courts in all parts of the state to access funding. Once funding is increased, the priority in the first year will be to recruit small and rural courts into the program. Increased funding for the program will also support additional recruitment, testing, and training for all languages with a focus on rarer language and certified interpreters.

Judge Beall informed that the survey was sent out so the Task Force could get real-life information and evidence, and she said Board members can help by responding to the survey if they see it. She further informed that members can also help by reaching out to their local stakeholders and legislative representatives to support this effort, as well as by asking their county/city executives and county

commissioners/council members to make the Interpreter Reimbursement Program one of their legislative priorities. Judge Gehlsen inquired as to whether there would be a cap on the number of courts admitted to the program or whether all courts would be allowed to enter the program. Judge Beall confirmed it would be open to all courts and informed that a language access plan would be required which must be approved by the AOC. Judge Robertson inquired how much more time is left on the Task Force, and Judge Beall confirmed there are nine months left—the project is expected to be completed in June 2019. Ms. Jeanne Englert is the AOC contact for the Task Force. Additional information about the Task Force and the full Funding Court Interpreters Report can be found at:

[http://www.courts.wa.gov/programs\\_orgs/pos\\_bja/?fa=pos\\_bja.interpreterServicesFunding](http://www.courts.wa.gov/programs_orgs/pos_bja/?fa=pos_bja.interpreterServicesFunding).

## B. Committee Satisfaction Survey Results

Ms. Harvey presented on the results of the DMCJA Committee Satisfaction Survey, which was recently sent out to the DMCJA membership. Ms. Harvey began by providing background information on the purpose of the survey. She explained that this survey is part of a larger effort by the DMCJA Board to increase DMCJA member involvement, which is a top priority for the association. She informed, in recent years, member involvement with DMCJA-related groups has declined, so the purpose of the survey was to determine what DMCJA policies will encourage member involvement and create necessary and effective DMCJA-related committees, taskforces, and workgroups. Approximately 25% of DMCJA members participate in DMCA standing committees. Therefore, in doing the survey, the association wanted to (1) understand members' experience and find out what will encourage member involvement, and (2) see whether the current committees are effective. Ms. Harvey reported the results of the survey, which included the following. The survey showed that in order to eliminate barriers to member participation, the following issues need to be addressed: (1) lack of time, (2) pro tempore funding available for committees, (3) technology, and (4) personality conflicts. Ms. Harvey made the following two recommendations for addressing these issues: (1) discuss whether a committee is necessary and effective either annually or biannually during the DMCJA Board Retreat, and (2) approve a committee campaign in the spring when committee sign-up sheets are disseminated to DMCJA members. Ms. Harvey explained that the Retreat is a time when Board members determine how much funds to allocate to a committee, and this agenda item could include discussions regarding how many members should exist for it to be considered a viable committee, whether the committee should be consolidated with another group, and whether the committee should be placed on hiatus. She further explained a campaign could include mentoring opportunities for Committee chairs and members, advertising \$5,000 allotted for pro tempore coverage when judges participate in committee related events, etc. Ms. Harvey then addressed the Board's questions. Judge Robertson shared that she believes this is a long-term project.

## C. Available DMCJA Representative Positions

Judge Robertson reported there are several DMCJA representative positions that still need recruitment. She asked Board members to let her know of anyone who may be interested and for their input on ways to improve and increase recruitment. The Board discussed the topic, and there were several suggestions including the following: (1) each committee chair could make a plug for their committee at the DMCJA Spring Conference, (2) personally communicate directly with judicial officers about committee opportunities; (3) ask the Judicial Assistance Services' Program mentor/mentee program to reach out to judicial officers (i.e. at Judicial College), and (4) to reach out to new judicial officers approximately six months after they have been on the bench because any earlier than that may be too overwhelming for them. Ms. Dietz shared that the Conference of State Court Administrators (COSCA) has a standing committee, the COSCA Service to New Members Committee, which provides support to new members of the organization. This has proven beneficial for member involvement; for more information about COSCA's committee, please contact Ms. Dietz. Judge Robertson expressed her appreciation for all of the suggestions, and she informed that a current list of available DMCJA representative positions is under the Information section of the meeting agenda.

#### D. Whether to Add Courts of Limited Jurisdiction to Amended Tribal Court Rule

Judge Robertson provided background information on this topic and requested the Board's input. She stated that the Tribal State Court Consortium was considering proposing rule amendments to address situations in which tribal and state courts have concurrent proceedings. The Consortium did not think to address courts of limited jurisdiction (CLJs) in the proposal, but Judge Robertson thought that it might be beneficial to include CLJs as well. Therefore she suggested that the DMCJA Rules Committee review the proposed amendments to CR 82.5 to determine if the DMCJA should recommend comparable amendments for CLJs. The Rules Committee reviewed the proposal but did not think it was applicable to CLJs because the CLJs do not have a corresponding rule. However, despite the lack of a corresponding rule, Judge Robertson thinks this is an issue of interest for CLJs and believes it would be in everyone's best interest to clarify how to communicate with the trial courts. The Board discussed the topic, and they were reminded that the tribal courts have been in favor of better communication with the CLJ courts and were previously working on it with Washington Supreme Court Justice Barbara Madsen. Judge Robertson will ask the Rules Committee to draft a congruent rule for the Board's review.

#### E. JIS Equipment Replacement

Ms. Margaret Yetter, District and Municipal Court Management Association (DMCMA) President, explained that it recently came to the DMCMA's attention that the AOC policy for reimbursement of computer equipment includes "laptop" computers for judges only, and courts are not given reimbursement for staff computers unless they are willing to buy "desktops." While researching the issue, however, the DMCMA could not locate a policy that declared laptops ineligible for reimbursement. In addition, the Judicial Information Systems (JIS) General Policies on equipment do not appear to specify the type of computer that is allowable; they only use the term, "Personal Computer." Thus, it is the DMCMA's belief that the definition of a personal computer is just that, a computer that is designed to be used by one person, and the definition does not differentiate between laptop and desktop. Therefore, Ms. Yetter wrote a letter to the Judicial Information Systems Committee (JISC), urging the JISC to consider updating the policy to allow reimbursement of laptops for court staff as well as judges. A copy of the letter was included in the Board materials. The JISC plans to discuss this issue at their next meeting on October 26, 2018. In addition, the DMCMA is seeking support from the Board concerning the issue. There was Board discussion, and the Board agreed they would like to support the DMCMA concerning this topic. In addition, Judge Robertson suggested she could write a letter in support of the DMCMA. M/S/P to move this topic to an action item.

#### F. Misdemeanant Probation Association Funding Request

The Washington State Misdemeanant Probation Association (MPA) submitted a funding request to the DMCJA in the amount of twelve hundred dollars (\$1,200) on behalf of its Education and Training Committee. This is to help cover the cost of an educational seminar on emerging drug trends, synthetic drug usage and polysubstance abuse at the 2019 MPA Conference which will be held at The Marcus Whitman in Walla Walla on Tuesday, May 7, 2018. The request noted that the annual MPA Conference is often the only opportunity for many MPA members to receive training throughout the year, and MPA members have specifically requested this particular training which will allow probation staff to be parallel with their clients instead of trying to catch-up. The \$1,200 contribution will cover half of the cost of the speaker for this training, and it will also help offset the costs to the MPA conference attendees and their jurisdictions by \$15 per conference registration. The Board discussed the request and noted they have supported similar requests from the DMCMA in the past, and since the two are closely related it is appropriate to support this request as well. This is a first-time request from the MPA; therefore, Ms. Harvey will determine which budget line item this expense should be paid out of. Ms. Harvey will also look into whether the Board should consider creating a new line item for this at the May 2019 Board Retreat. M/S/P to move this topic to an action item.

## INFORMATION

Judge Robertson brought the following informational items to the Board's attention.

- A. Board members are encouraged to apply for DMCJA representative positions. Available positions include:
  - 1. Annual Conference Planning Committee
  - 2. BJA Public Trust and Confidence Committee
  - 3. Commission on Judicial Conduct (CJC)
  - 4. JIS CLJ "CLUG" User Group
  - 5. Misdemeanant Probation Association (MPA) Liaison
  - 6. Presiding Judge & Administrator Education Committee
  - 7. Washington State Access to Justice Board (Liaison Position)
  - 8. WSBA Court Rules and Procedures Committee
- B. Policy Analyst Project Ideas for 2018 are as follows:
  - 1. Committee Satisfaction Survey (July 2018)
  - 2. Courthouse Security Survey (August 2018)
  - 3. Judicial Independence Matters (Municipal Court Contracts)
- C. The Washington State Supreme Court Interpreter Commission voted to remove two politically related questions from the list of questions an appointing authority could consider asking a person who is a Limited-English Proficient speaker. See revised Bench Card for Courtroom Interpreting.
- D. The Washington State Supreme Court Minority and Justice Commission issued a Legal Financial Obligations (LFO) Bench Card for trial courts. Attached is the LFO Bench Card for courts of limited jurisdiction.
- E. The Pretrial Task Force will meet on October 1, 2018, from 9:00 a.m. to 12:00 p.m., at the AOC Office in SeaTac, WA.
- F. DMCJA Letter to DOL Director regarding Annual Joint DOL/DMCJA/DMCMA/AOC Meeting.
- G. Constitution Day was held on September 17, 2018. Many DMCJA Judges participated in this event. For more information about Constitution Day, please visit the following website:  
<http://www.courts.wa.gov/education/?fa=education.iitcStories>.

## OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for October 12, 2018, from 12:30 a.m. to 3:30 p.m., at the AOC Office in SeaTac, WA.

The Board meeting was adjourned at 10:20 a.m.

G. Council on Independent Courts – Executive Session  
The Board then went into Executive Session to discuss ongoing judicial independence issues that municipal court judges are experiencing throughout Washington State. M/S/P to go into Executive Session.